IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.1853 OF 2006
AND
WRIT PETITION NO.1855 OF 2006

Shri Bhausaheb Shripatrao Desai, .. Petitioner.
Vs
Shri Sanjay Pandurang Khamkar, .. Respondent

Mr S.G.Karandikar, for the petitioner.
Mr Nitin Jamdar i/by Mr Vijay Killedar, for the respondent.

CORAM : D.B.BHOSALE,J.
DATE : 24.08.2006

PC:

1. Heard the learned counsel for the parties. By consent of the learned counsel for the parties, taken up for final hearing.

2. These two writ petitions arise from a common judgment and order dated 8/2/2006 disposing of two misc civil appeal nos. 35 and 36 of 2005. Both were filed by the petitioner against a common judgment and order dated 15.11.2005 passed by the trial court on the applications at Exhibit-5 in Regular Civil Suit Nos 84 of 2004 and 163 of 2004. Regular Civil Suit No.84 of 2004 is filed by the petitioner for injunction simplicitor whereas Regular Civil Suit no.163 of 2004 is filed by the respondent for specific performance of an agreement dated 6.5.1985. Both suits are pending for final disposal before the trial Court. The trial Court,

vide its order dated 15.11.2005, had granted Exhibit-5 application filed by the respondent and had rejected Exhibit-5 application filed by the petitioner. Hence, the petitioner had filed two separate misc.civil appeals before the District Court and they both were dismissed by the impugned order passed by the District Court. This Court, while admitting both the writ petitions on 29.3.2006, granted ad-interim relief in terms of prayer clause (c). The learned counsel for the parties have fairly stated that I need not record reasons for disposing of these petitions. Keeping in view the overall facts and circumstances of the case and considering that the petitions have already been admitted by this Court, I am satisfied that the following order shall meet the ends of justice.

(i) Parties shall maintain status-quo pending hearing and final disposal of Regular Civil Suit Nos 84 of 2004 and 163 of 2004.

(ii) The trial Court shall decide both the suits together as expeditiously as possible and preferably within a period of six months from the date of receipt of this order on merits in accordance with law and uninfluenced by the orders passed in the proceedings arising from the applications at Exhibit-5 in both

suits.

(iii) Rule is disposed of in both the writ petitions. No order as to costs.

(D.B.BHOSALE,J.)